

**Application No. 09/685,398**  
**Reply to Office Action dated December 6, 2005**

**Docket No. RSW920000107US1**

**REMARKS**

**I. Summary of the Office Action and this Reply**

Claims 1-31 are pending. The Examiner has rejected claims 1-31 under 35 U.S.C. §103(a), asserting that such claims are obvious over U.S. Patent Publication No. 2002/0038273 to Wherry et al. ("Wherry") in view of U.S. Patent Publication No. 2005/0154658 to Bove et al. ("Bove").

**II. Discussion**

**U.S. Patent Publication No. 2002/0038273 A1 to Wherry**

Wherry discloses a method and system for investment integration that enable an investment tool function that can be used via a central user interface. One embodiment includes a method for integration of investment tools with a hub and spoke architecture in which a single central interface integrates the functionality of the various investment tools. See Summary.

In a certain embodiment, a function performed by an investment tool can be monitored by a user through a user interface. The user can establish criteria that, when exceeded, causes the process to notify or report to the user that an event, input by the user, has occurred. Paragraph 60.

The report or notification can be provided by a visual alert, an audio tone, or other methods known in the art. Paragraph 60. The user provides specific criteria determining when an alert will be generated 1005 and how the alert will be delivered 1006. Paragraph 63. See also paragraphs 67, 68.

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Bove discloses a computerized system and including software for automatic investment planning that uses data regarding the client's desired asset allocation, current asset portfolio and preferred domain as input to generate financial transaction recommendations for modifying the client's current asset portfolio in accordance with client-specific preferences, parameters, etc. Abstract.

In one embodiment, the recommendations are displayed on a summary report generated by the computer software. Abstract. This allows an investment counselor and reviewer to get an overview of the client's situation. Paragraph 38. An exemplary detailed summary document is described in paragraph 39.

In another embodiment, the recommendations are electronically communicated to a trade execution computer which automatically performs the necessary transactions to execute the buy/sell recommendations. See Abstract.

### **III. Response to 103 Rejections**

A rejection under 35 U.S.C. § 103 is proper only if all claim limitations are taught or suggested by the cited art. MPEP § 2143.

#### **Claims 1-15**

Independent claim 1 is directed to a computer-implemented method of rebalancing a portfolio of assets to achieve optimality. The Examiner has rejected claim 1, essentially asserting that Bove's automated determination of portfolio rebalancing transactions combined with Wherry's alerting functionality amounts to the claimed

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invention. Applicants respectfully traverse. The claimed method includes "receiving from the customer a single response to the transmitted alert message [which includes a list of recommended rebalancing transactions]; and automatically implementing the list of recommended rebalancing transactions based on the received customer's response."

Claim 4 recites that "the customer's response constitutes performing a single action by the customer." Claim 5 recites that "the single action comprises one of the following: pressing a button, touching a portion of a screen, or speaking a sound."

Accordingly, the claimed invention "provides a unique technique by which all necessary rebalancing trade transactions can be automatically implemented based on a customer's single response to an alert message indicating the need to rebalance [the] portfolio." Application, page 3, lines 25-28. For example, the customer can authorize multiple proposed rebalancing transactions for the customer's portfolio by performing only a single action, such as pressing a "reply" button shown on an e-mail menu in an e-mail window displaying the alert message. See Application, page 10, lines 20-25. This makes it exceptionally simple for even an unsophisticated investor to review his investment portfolio and suggested changes in his portfolio, and then to rebalance his portfolio by taking only a single action, such as clicking a computer mouse's button, to implement rebalancing of the portfolio, which may include multiple rebalancing transactions. This is neither taught nor suggested by Wherry and/or Bove.

In particular, the undersigned has not found any discussion whatsoever in Bove as to how the rebalancing transactions proposed in Bove are approved/initiated/executed after they are presented in a summary report. The Examiner is invited to identify with specificity any portion of Bove believed to disclose

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any response/approval mechanism taken by the customer/client, consistent with 37 CFR §1.104(c)(2).

Even if Wherry and Bove are properly combinable, at most their combination provides a system that provides an alert that includes a list of proposed portfolio rebalancing transactions. There is no teaching or suggestion, in Wherry, Bove, or elsewhere, of providing a system in which only a single response is required from the customer to authorize and initiate execution of multiple portfolio rebalancing transactions. Accordingly, not all claim limitations are taught or suggested by the cited art.

Claims 2-15 depend from claim 1 and are likewise patentable.

For at least these reasons, reconsideration and withdrawal of the rejection of claims 1-15 are requested respectfully.

#### **Claims 10-15**

Claims 10-15 depend from claim 1 and are likewise patentable for the reasons set forth above.

In addition, claim 10 recites that "the customer's response is contained in a return e-mail from the customer, wherein the return e-mail includes a transaction number identifying the list of recommended rebalancing transactions." This is neither taught nor suggested by Wherry and/or Bove.

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Further, claim 11 recites that "the customer's response is received on paper, wherein the paper includes an optical code for retrieving the list of recommended rebalancing transactions, and verification information for verifying the identity of the customer." This is neither taught nor suggested by Wherry and/or Bove.

Further still, claim 12 recites that "the customer's response is received as a voice sound, wherein the voice sound is recognized using a voice recognition device." This is neither taught nor suggested by Wherry and/or Bove.

Claim 13 recites that "the customer's response is received through a wireless communications network." This is neither taught nor suggested by Wherry and/or Bove.

Claim 14 recites that "the customer's response is received from a financial Kiosk." This is neither taught nor suggested by Wherry and/or Bove.

Claim 15 recites that "the customer's response is received from a computer of the customer using a financial program installed on the computer." This is neither taught nor suggested by Wherry and/or Bove.

For at least these additional reasons, not all limitations of claims 10-15 are taught or suggested by Wherry and/or Bove, and reconsideration and withdrawal of the rejection of claims 10-15 are requested respectfully.

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Independent claim 16 is directed to a system including a second unit for "receiving a single response of the customer to the transmitted alert message, and automatically implementing the list of recommended rebalancing transactions based on the received customer's response." Thus, claim 16 includes recitations similar to those of claim 1 and is likewise patentable. Claims 17-28 depend from claim 16 and are likewise patentable.

For at least these reasons, reconsideration and withdrawal of the rejection of claims 16-28 are requested respectfully.

**Claims 29-31**

Independent claim 29 recites "automatically triggering transmission of an alert message to a user based on the user-defined parameters . . . receiving a single response of the user to the alert message . . . and automatically performing a plurality of predetermined actions in response to the single response from the user." Thus, claim 29 includes recitations similar to those of claim 1 and is likewise patentable. Claims 30 and 31 depend from claim 29 and are likewise patentable.

For at least these reasons, reconsideration and withdrawal of the rejection of claims 29-31 are requested respectfully.

**CONCLUSION**

In view of the foregoing amendments and remarks, Applicants believe claims 1-31 to be patentable and the application in condition for allowance, and request

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respectfully issuance of a Notice of Allowance. If any issues remain, the undersigned requests a telephone interview prior to the issuance of an action.

Respectfully submitted,



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